

FACT SHEET

Americans with Disabilities Act - Title III requirements to remove barriers in existing buildings (Public Law 101-336)

What are the requirements to remove barriers in existing buildings under Title III of the Americans with Disabilities Act?

Title III of the Americans with Disabilities Act requires the removal of architectural and communication barriers in existing privately-owned places of public accommodation when it is "readily achievable" to do so.

What is "readily achievable?"

"Readily achievable" means that the barrier can be removed without much difficulty or expense. The obligation to remove barriers does not require extensive restructuring or burdensome cost. However, there is no specific monetary formula to determine what a given action is readily achievable. What is readily achievable will be determined on a case-by-case basis in light of the resources available. Factors to be considered in determining whether removal of a barrier is readily achievable include

- the nature and cost of the action needed;
- the overall financial resources of the facility itself; and
- the overall financial resources of a parent corporation, if applicable, and the degree to which a parent corporation has resources that can be allocated to the local facility.

What are examples of actions to remove barriers?

Examples of readily achievable barrier removal include installing ramps, making curb cuts in sidewalks and entrances, repositioning shelves, rearranging tables, chairs, vending machines, display racks, and other furniture, repositioning telephones, adding raised markings on elevator control buttons, installing flashing alarm lights, widening doors, installing offset hinges to widen doorways, eliminating a turnstile or providing an alternative accessible path, installing accessible door hardware, installing grab bars in toilet stalls, rearranging toilet stall partitions to increase maneuvering space, insulating lavatory pipes under sinks to prevent burns, installing a raised toilet seat, installing a full-length bathroom mirror, repositioning the paper towel dispenser, creating designated accessible parking spaces, installing an accessible paper cup dispenser at an existing inaccessible water fountain, removing high pile, low density carpeting.

A public accommodation generally would not be required to remove a barrier posed by a flight of steps if removal would require extensive ramping or an elevator.

The regulation does not require actions that would result in significant loss of selling or serving space.

Legitimate safety requirements may be considered in determining what is readily achievable so long as they are based on actual risks and necessary for safe operation.

Are certain barriers more important to remove than others?

A public accommodation is urged to take measures to remove barriers in the order of priority listed below.

1. Provide access to the site from public sidewalks, parking, or public transportation. These measures include installing an entrance ramp, widening entrances, and providing accessible parking spaces.
2. Provide access to those areas where goods and services are made available to the public. These measures include adjusting the layout of display racks, rearranging tables, providing Braille and raised character signage, widening doors, providing visual alarms, and installing ramps.
3. Provide access to restroom facilities. These measures include the removal of obstructing furniture or vending machines, widening of doors, installation of ramps, provision of accessible signage, widening of toilet stalls, and installation of grab bars.
4. Provide access to all remaining areas.

Are employee areas covered?

The obligation to remove barriers generally does not extend to areas of a building or facility that are used exclusively as employee work areas.

If an employee with a disability is hired, however, an employer would be required to provide reasonable accommodation to the extent that the employer is covered under Title I of the Americans with Disabilities Act or other applicable laws.

Are there specific design standards to follow?

There are specific design standards to follow for the new construction or alteration of places of public accommodation. These design standards were published by the U.S. Architectural and Transportation Barriers Compliance Board in the Federal Register on July 26, 1991. When removing barriers, the public accommodation is urged to follow these same design standards. If it is not possible to meet these same standards, it is permissible to deviate from the standards if such deviation does not pose a significant risk to the health or safety of individuals with disabilities or others.

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